

# **City of Carmel**

## **Common Council**

### **Special Meeting**

**July 6, 2006**

**8:30 a.m.**

**COMMON COUNCIL**  
**SPECIAL MEETING AGENDA**  
THURSDAY, JULY 6, 2006 – 8:30 A.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
2. APPROVAL OF MINUTES
  - a. June 5, 2006 Regular Meeting
  - b. June 19, 2006 Regular Meeting
3. CLAIMS
  - Payroll
  - General Claims
  - Retirement
4. PUBLIC HEARINGS
  - a. **Second Reading of Ordinance D-1809-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Platted Right-Of-Way; Sponsor: Councilor Sharp.
5. ANNOUNCEMENTS
6. EXECUTION OF DOCUMENTS
7. ADJOURNMENT

# COMMON COUNCIL MEETING MINUTES

MONDAY, JUNE 5, 2006 – 6:00 P.M.

COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEMBERS PRESENT:

Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor James Brainard was not in attendance.

Council President Sharp called the meeting to order at 6:00 p.m.

Carmel Police Chaplain, George Davis, pronounced the Invocation.

Council President Sharp led the Pledge of Allegiance.

## RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

## APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve the Minutes of the May 15, 2006 Regular Meeting.

Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The minutes were approved 5-0 (Councilor Mayo abstained; Councilor Carter was not in Council Chambers during the vote).

## RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

## COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Council President Sharp discussed agenda item 11 a. (Ordinance Z-491-06). Council President Sharp discussed a letter from Paul Shoopman requesting this item to be withdrawn.

## ACTION ON MAYORAL VETOES:

There were none.

## CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$2,908,195.04. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. Claims were approved 7-0.

1  
2 **COMMITTEE REPORTS:**  
3

4 Councilor Rattermann reported that the Finance, Administration and Rules Committee met this evening  
5 and discussed Ordinance D-1799-06 and Ordinance D-1806-06.  
6

7 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on  
8 Tuesday, May 23, 2006 and discussed Ordinance Z-491-06 which was sent to the full Council with a 0-4  
9 unfavorable recommendation.  
10

11 Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.  
12

13 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.  
14

15 **OLD BUSINESS**  
16

17 Council President Sharp announced the **Fifth Reading of Ordinance D-1799-06**; An Ordinance of the  
18 Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects  
19 (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). Councilor Rattermann  
20 made a motion that this item be moved to the end of New Business to allow the City Attorney time to  
21 make revisions. This item was moved to the full Council from the Finance Committee with a  
22 recommendation that the City Attorney write the amendments discussed at Committee. There was no  
23 objection from the Council to move this item to the end of New Business.  
24

25 Council President Sharp announced the **Third Reading of Ordinance D-1806-06**; An Ordinance of the  
26 Common Council of the City of Carmel, Indiana, Approving a Lease for Certain Public Improvements  
27 Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment  
28 Commission, Pledging County Option Income Tax Revenues of City to Pay Certain Lease Rental  
29 Obligations Thereunder, and Taking Other Actions Related Thereto (\$6,100,000). Councilor Rattermann  
30 informed Council that this item was sent to the full Council from the Finance Committee with a 0-4  
31 unfavorable recommendation. There was brief Council discussion. Councilor Rattermann made a motion  
32 to move Ordinance D-1806-06, As Amended, VERSION B – 6/5/06 into business. Councilor Griffiths  
33 seconded. There was no Council discussion. Council President Sharp called for the question. The  
34 motion was approved 7-0. Councilor Rattermann presented handouts to the Council (Attachments 1, 2  
35 and 3). Councilor Rattermann made a motion to move Ordinance D-1806-06, As Amended, VERSION C  
36 – 6/5/06 into business. Councilor Glaser seconded. There was major Council discussion. Councilor  
37 Griffiths made a motion to add Cool Creek North Trail, Monon Bridge over Carmel Drive, and Survive  
38 Alive House back into Exhibit C from Councilor Rattermann's amended version. The motion died for  
39 lack of a second. Council President Sharp called for the question. The motion to accept VERSION C –  
40 6/5/06 failed 2-5 (Council President Sharp and Councilors Kirby, Mayo, Griffiths and Carter opposed).  
41 Council President Sharp called for the question. The motion to adopt Ordinance D-1806-06 was  
42 approved 5-2 (Councilors Glaser and Rattermann opposed). There was brief Council discussion. Council  
43 President Sharp called for the question. The motion to adopt **Ordinance D-1806-06, As Amended,**  
44 **VERSION B – 6/5/06**, was adopted 5-2 (Councilors Glaser and Rattermann opposed).  
45

46 Council President Sharp announced **Fourth Reading of Ordinance Z-489-06**; An Ordinance of the  
47 Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property  
48 Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special  
49 Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use  
50 (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser. This Ordinance  
51 remains in LUAC.  
52

1 **PUBLIC HEARINGS**

2  
3 Council President Sharp announced the **Second Reading of Ordinance Z-491-06**; An Ordinance of the  
4 Common Council of the City of Carmel, Indiana, Establishing the Fortune Planned Unit Development  
5 District. Council President announced the Public Hearing was held open from May 15, 2006. Ernie  
6 Reno, 1227 Bluff Road, Plainfield, Indiana, attended on behalf of his client, Paul Shoopman. Mr. Reno  
7 addressed the Council and read a statement (Attachment 4) from the Indiana Land Development  
8 Corporation regarding their request to withdraw (Attachment 5) their request for a zoning change. There  
9 was brief Council discussion. Councilor Rattermann made a motion to approve Ordinance Z-491-06.  
10 Councilor Glaser seconded. There was brief Council discussion. Seeing no one else who wished to  
11 speak, Council President Sharp closed the Public Hearing at 6:52 p.m. There was no Council discussion.  
12 Council President Sharp called for the question. Ordinance Z-191-06 failed 0-7.  
13

14 Council President Sharp announced the **First Reading of Ordinance Z-492-06**; An Ordinance of the  
15 Common Council of the City of Carmel, Indiana, Establishing the Village Green Planned Unit  
16 Development District (Village Green Townhomes – 211 West Smokey Row Road). Councilor Mayo  
17 made a motion to move this item into business. Councilor Rattermann seconded. Councilor Rattermann  
18 referred to Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98<sup>th</sup> Street, Suite 170, Indianapolis,  
19 IN 46280 for a presentation to Council. Also in attendance were Bruce Sklare with Bay Development  
20 and John Talbot with Drees Homes. There was no Council discussion. Council President Sharp opened  
21 the Public Hearing at 7:03 p.m.  
22

23 The following individual spoke in opposition to Ordinance Z-492-06:  
24

25 Kurt Jaenicke, 146 Old Grayce Lane, Carmel, IN 46032, representing the Carmel Residents  
26 For Historic Preservation.  
27

28 There was brief Council discussion. Council President Sharp referred Ordinance Z-492-06 to the Land  
29 Use, Annexation and Economic Development Committee for further review and consideration.  
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31 **NEW BUSINESS**

32  
33 Council President Sharp announced **First Reading of Ordinance D-1807-06**; An Ordinance of the  
34 Common Council of the City of Carmel, Indiana, Enacting and Adopting a Supplement to the Code of  
35 Ordinances of the city of Carmel, Indiana (ALP 1st Quarter 2006). Councilor Kirby made a motion to  
36 move this item into business and suspend the rules and not send this item to committee and vote this  
37 evening. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp  
38 called for the question. The motion was approved 7-0. Councilor Glaser presented this item to Council.  
39 There was no Council discussion. Council President Sharp called for the question.  
40

41 **Ordinance D-1807-06** was adopted 7-0.

42 Council President Sharp announced **First Reading of Ordinance D-1809-06**; An Ordinance of the  
43 Common Council of the City of Carmel, Indiana, Vacating A Platted Right-Of-Way (Pearl Street –  
44 Rolling Meadows Subdivision); Sponsor: Councilor Sharp. This item was not introduced.  
45

46 Council President Sharp announced the **First Reading of Ordinance D-1810-06**; An Ordinance of the  
47 Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Sections  
48 6-161(b)(3) and 6-161(c)(1) of the Carmel City Code (No Smoking). Councilor Griffiths made a motion  
49 to move this item into business. Councilor Glaser seconded. Councilor Griffiths presented this item to  
50 Council. There was no Council discussion. Council President Sharp referred Ordinance D-1810-06 to the  
51 Utilities, Transportation and Public Safety Committee for further review and consideration.  
52

Council President Sharp announced the **First Reading of Ordinance D-1811-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Concerning Council District Boundaries. Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded. Council President Sharp passed the gavel to Councilor Glaser to present this item to Council. There was no Council discussion. Council President Sharp made a motion to suspend the rules and not send this item to Council and vote this evening. Councilor Kirby seconded. There was brief Council discussion. Councilor Carter stated that he was not going to vote for this (redistricting) at all, and Carmel should have second class city status. Councilor Glaser called for the question. The motion failed 3-3 (Councilors Glaser, Carter and Rattermann opposed). Councilor Glaser referred Ordinance D-1811-06 to the Land Use, Annexation and Economic Development Committee for further and consideration.

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced **Resolution CC-06-05-06-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Expressing Interest in the Purchase of Certain Properties Valued at Over \$25,000 and Associated with the City's Road Improvement Projects (Five Properties). Councilor Mayo made a motion to move this item into business. Councilor Glaser seconded. Council President Sharp presented this item to Council. There was no Council discussion. Council President Sharp called for the question. **Resolution CC-06-05-06-01** was adopted 7-0.

**Fifth Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). Councilor Rattermann made a motion that this item be moved to the end of New Business to allow the City Attorney time to revise. This item was moved to the full Council from the Finance Committee with a recommendation that the City Attorney revise with amendments discussed at Committee. There was no objection from the Council to move this item to the end of New Business. However, this item was not discussed since the City Attorney was not able to make the amendments to this ordinance that were discussed in the Finance Committee meeting.

## **OTHER BUSINESS**

**Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This ordinance remains Tabled.

**Property Abatements/Compliance with Statement of Benefits** – Presented to Council by Clerk-Treasurer Diana L. Cordray. There was brief Council discussion. Forms needed to be signed by Council President Sharp (1. 303 Group LLC - Specialty Risk International; 2) Allete Automotive Services; 3) Dealer Services Corporation; 4) PHT Investment Holdings, LLC (SB-1 filed Under CIHS NEWCO – Medical Office Building) NEW OWNER; 5) The Heart Center of Indiana, LLC (Formerly filed as CIHS NEWCO, LLC). No formal action required. Councilor Kirby moved to accept the recommendation from the Finance Committee to approve the report. Councilor Glaser seconded. Council President Sharp called for the question. The motion was approved 7-0.

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**ANNOUNCEMENTS**

Councilor Kirby announced that the next Utilities, Transportation and Public Safety Committee meeting will be held on Monday, June 12, 2006 at 5:00 p.m.

**EXECUTION OF DOCUMENTS**

Council President Sharp adjourned the meeting at 7:40 p.m.

**ADJOURNMENT**

Respectfully submitted,

\_\_\_\_\_  
Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

\_\_\_\_\_  
Mayor James Brainard

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer Diana L. Cordray, IAMC

# COMMON COUNCIL MEETING MINUTES

MONDAY, JUNE 19, 2006 – 6:00 P.M.

COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT:**

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:03 p.m.

Pastor George Ferch, Bethlehem Lutheran Church of Carmel, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

## **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**

There were none.

## **APPROVAL OF MINUTES:**

Councilor Mayo made a motion to approve the Minutes of the June 5, 2006 Regular Meeting. Councilor Rattermann seconded. Councilor Griffiths asked for a clarification of verbiage on page three, line 49. Clerk-Treasurer Diana L. Cordray advised Council that the tape would be reviewed and the Minutes would be placed on the next agenda for approval.

Councilor Mayo made a motion to approve the Minutes of the June 7, 2006 Special Meeting. Councilor Carter seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 5-0 (Councilors Kirby and Mayo abstained).

## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

The following individuals spoke in opposition to Ordinance D-1810-06 (No Smoking):

Bruce Calabrese  
Chris Meyer (Nippers II)  
Laura Stark  
John Moore  
Tammy Smith  
Nick Ohmer

792 Winter Court, Carmel, IN 46032  
6730 Spirit Lake Drive, Carmel, IN 46032  
303 Thornberry Drive, Carmel, IN 46032  
P O Box 1802, Carmel, IN 46032  
29 W. Main Street, Indianapolis, IN  
12250 Charing Cross, Indianapolis, IN



The following individuals spoke in favor of Ordinance D-1810-06 (No Smoking):

|  |  |
|--|--|
| Anita Wood Gaillard/IN Tobacco Prevention & Cessation Agency | 13775 Offutt Drive, Carmel, IN 46032                     |
| Sandy Tynan/Yorkshire Rose Pub                               | 1305 E. 106 <sup>th</sup> Street, Indianapolis, IN 46280 |
| Melissa Lewis/IN Academy of Family Physicians                | 55 N. Meridian Street, Indianapolis, IN                  |
| Tim Filler/Smokefree Indy, Hoosier Faith & Health Coalition  | P O Box 1657, Indianapolis, IN 46206                     |

The following individuals representing Haverstick HOA addressed Council:

|                               |   |
|-------------------------------|---|
| Deborah Doodeman              | 5933 Alder Court, Carmel, IN 46033      |
| McCall Wirth                  | 13788 Flintridge Pass, Carmel, IN 46033 |
| Mike Hittesdorf               | 13841 Waywing Court, Carmel, IN 46033   |
| Jeff Wertz                    | 5794 Annandale Drive, Carmel, IN 46032  |
| Steve Williams (attachment 1) | 13940 Sassafern, Carmel, IN 46033       |
| Bob Burton                    | 5837 Arrowleaf Lane, Carmel, IN 46033   |

#### **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

Councilors Sharp and Rattermann addressed the Haverstick homeowners concerns with the drop in water levels in the Haverstick ponds.

Councilor Griffiths addressed Ordinance D-1810-06 (No Smoking) and why he sponsored the ordinance.

Councilor Carter responded to Mr. Calabrese's comments.

Council President Sharp announced that the Council Meeting scheduled for Monday, July 3, 2006 will be cancelled. There will be a Special Meeting scheduled for July 6 or July 7.

#### **ACTION ON MAYORAL VETOES:**

There were none.

#### **CLAIMS:**

Councilor Mayo made a motion to approve the claims in the amount of \$2,874,178.93. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. Claims were approved 7-0.

1 **COMMITTEE REPORTS:**

2  
3 Councilor Rattermann reported that the Finance, Administration and Rules Committee had not met.

4  
5 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met  
6 and discussed Ordinance D-1811-06, which was sent to the full Council with a 2-2 recommendation,  
7 Ordinance Z-489-06 which was sent to the full Council with no recommendation and Ordinance  
8 Z-492-06, which was sent to the full Council with a 4-0 favorable recommendation.

9  
10 Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next  
11 meeting will be held on Tuesday, July 11, 2006 at 3:00 p.m.

12  
13 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee met and  
14 discussed Ordinance D-1810-06, which was sent to the full Council with a 2-1 favorable  
15 recommendation.

16  
17 **OLD BUSINESS**

18  
19 Council President Sharp announced the **Sixth Reading of Ordinance D-1799-06**; An Ordinance of  
20 the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works  
21 Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects).  
22 Councilor Glaser made a motion to move Ordinance D-1799-06, As Amended, VERSION A – 6/8/06,  
23 into business. Councilor Rattermann seconded. There was brief Council discussion. Council  
24 President Sharp called for the question. The motion to move Ordinance D-1799-06, As Amended,  
25 VERSION A – 6/8/06, into business was approved 7-0. There was no Council discussion. Councilor  
26 Mayo made a motion to approve Ordinance D-1799-06, As Amended. Councilor Glaser seconded.  
27 Council President Sharp called for the question.

28 **Ordinance D-1799-06, As Amended, VERSION A – 6/8/06** was adopted 7-0.

29  
30 Council President Sharp announced the **Second Reading of Ordinance D-1810-06**; An Ordinance of  
31 the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII,  
32 Sections 6-161(b)(3) and 6-161(c)(1) of the Carmel City Code (No Smoking). Councilor Griffiths  
33 addressed Council. Council President Sharp passed the gavel to Councilor Glaser to address the  
34 Council. Councilor Glaser called for the question. **Ordinance D-1810-06** was defeated 3-4  
35 (Councilors Kirby, Mayo, Griffiths and Sharp opposed).

36  
37 Council President Sharp reclaimed the gavel from Councilor Glaser.

38  
39 Council President Sharp announced the **Second Reading of Ordinance D-1811-06**; An Ordinance of  
40 the Common Council of the City of Carmel, Indiana, Concerning Council District Boundaries.  
41 Councilor Glaser made a motion to move Ordinance D-1811-06, As Amended, VERSION B – 6/8/06,  
42 into business. Councilor Rattermann seconded. There was brief Council discussion. Council  
43 President Sharp passed the gavel to Councilor Glaser to address Council. Councilor Glaser called for  
44 the question. The motion to adopt Ordinance D-1811-06, As Amended, VERSION B – 6/8/06, failed  
45 2-5 (Councilors Kirby, Mayo, Griffiths, Sharp and Carter opposed). Council President Sharp  
46 reclaimed the gavel from Councilor Glaser. There was no Council discussion. Council President  
47 Sharp called for the question. **Ordinance D-1811-06** was adopted 4-2 (Councilors Glaser and  
48 Rattermann opposed), (Councilor Carter did not vote).

1 Council President Sharp announced the **Fifth Reading of Ordinance Z-489-06**; An Ordinance of the  
2 Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the  
3 Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old  
4 Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old  
5 Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian). Councilor Glaser  
6 addressed Council. Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98<sup>th</sup> Street, Suite 170,  
7 Indianapolis, IN 46280, addressed Council. Also in attendance were Ed Hackett, Jeff Pape and  
8 Jon Isaacs from Centex Homes. There was extensive Council discussion. Council President Sharp  
9 passed the gavel to Councilor Glaser to address Council. Councilor Glaser called for the question.  
10 Ordinance Z-489-06 was defeated 3-4 (Councilors Mayo, Griffiths, Sharp and Carter opposed).  
11

12 Council President Sharp reclaimed the gavel from Councilor Glaser.  
13

14 Council President Sharp announced the **Second Reading of Ordinance Z-492-06**; An Ordinance of  
15 the Common Council of the City of Carmel, Indiana, Establishing the Village Green Planned Unit  
16 Development District (Village Green Townhomes – 211 West Smokey Row Road). Councilor  
17 Rattermann referred to Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98<sup>th</sup> Street, Suite  
18 170, Indianapolis, IN 46280 to address Council. There was brief Council discussion. John Talbott,  
19 Drees Homes, 6650 Telemon Drive, Indianapolis, IN., addressed Council. Bruce Skare, Bay  
20 Development, addressed Council. Councilor Mayo made a motion to approve Ordinance Z-492-06.  
21 Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for  
22 the question. **Ordinance Z-492-06** was adopted 7-0.  
23

## 24 **PUBLIC HEARINGS**

25  
26 Council President Sharp announced the **First Reading of Ordinance D-1808-06**; An Ordinance of  
27 the Common Council of the City of Carmel, Indiana, Vacating a Portion of a Public Right-Of-Way  
28 (Old Meridian Street). Councilor Kirby made a motion to move this item into business. Councilor  
29 Griffiths seconded. Councilor Rattermann presented this item to Council and referred to Paul Reis,  
30 Attorney, Bose McKinney & Evans, 600 E. 96<sup>th</sup> Street, Suite 500, Indianapolis, IN 46240, for a  
31 presentation to Council. There was no Council discussion. Council President Sharp opened the  
32 Public Hearing at 8:30 p.m. Seeing no one who wished to speak, Council President Sharp closed the  
33 Public Hearing at 8:30:30 p.m. Councilor Kirby made a motion to suspend the rules and not send this  
34 item to committee and vote this evening. Councilor Glaser seconded. There was brief Council  
35 discussion. Council President Sharp called for the question. The motion was approved 7-0. There  
36 was no Council discussion. Council President Sharp called for the question.  
37 **Ordinance D-1808-06** was adopted 7-0.  
38

## 39 **NEW BUSINESS**

40  
41 Council President Sharp announced the **First Reading of Ordinance D-1809-06**; An Ordinance of  
42 the Common Council of the City of Carmel, Indiana, Vacating A Platted Right-Of-Way (Pearl Street –  
43 Rolling Meadows Subdivision). Councilor Rattermann made a motion to move this item into  
44 business. Councilor Mayo seconded. Council President Sharp passed the gavel to Councilor Glaser  
45 to present this item to Council. There was no Council discussion. Councilor Rattermann made a  
46 motion to suspend the rules and not send this item to committee. Councilor Griffiths seconded.  
47 Councilor Glaser called for the question. The motion was approved 7-0.  
48  
49

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced the **First Reading of Ordinance D-1813-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving and Adopting Interlocal Agreement (Deputy Prosecuting Attorney). Councilor Carter made a motion to move this item into business. Councilor Mayo seconded. Councilor Carter presented this item to Council and referred to Carmel Chief of Police, Mike Fogarty, to address Council. There was brief Council discussion. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Mayo seconded. Council President Sharp called for the question. The motion was approved 7-0. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1813-06** was adopted 7-0.

## **OTHER BUSINESS**

**Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This item remains Tabled.

## **ANNOUNCEMENTS**

There were none.

## **EXECUTION OF DOCUMENTS**

Mayor Brainard adjourned the meeting at 8:45 p.m.

## **ADJOURNMENT**

Respectfully submitted,

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Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

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Mayor James Brainard

ATTEST:

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Clerk-Treasurer Diana L. Cordray, IAMC

**ORDINANCE D-1809-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
VACATING A PLATTED RIGHT-OF-WAY**

**WHEREAS**, there is a platted subdivision known as “Rolling Meadows” in the City of Carmel, Hamilton County, Indiana; and

**WHEREAS**, within that platted subdivision, there is a platted, undeveloped, unnamed street and right-of-way adjacent to Pearl Street, between Lots 27 and 28 of the subdivision (the “Property”) as more particularly described in the attached Exhibit A; and

**WHEREAS**, the Property is the access for Lot 53 to a public street known as Pearl Street; and

**WHEREAS**, the current owners of Lot 53 have properly petitioned for the City to vacate such platted street and right of way; and

**WHEREAS**, the City Engineer and the City Legal Departments, having reviewed the Petition, find it to be in order; and

**WHEREAS**, the Board of Public Works and Safety has reviewed the pertinent information and recommended approval of the Petition; and

**WHEREAS**, the platted street and right-of-way have not been developed as a street, and as they currently exists cannot be developed as a street, although the Property contains the driveway connecting Lot 53 to Pearl Street; and

**WHEREAS**, the adjacent landowners of adjoining Lots 27 and 28 consent to the vacation of the platted street and right-of-way, as detailed in attached Exhibit B;

**WHEREAS**, there has been no evidence of probative value presented in opposition to the vacation at the public hearing held regarding said vacation; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. Pursuant to Indiana Code 36-7-3-12, those portions of the platted street and right-of-way described in the attached Exhibit A are hereby vacated as public right-of-way and title as such vacated right-of-way hereby is conveyed to, and is vested in, the owner of the real estate served by said rights-of-way, being the owner of Lot 53.

Section 2. The above vacation shall not be effective as to the interest to any public utilities located within the above right-of-way.

Section 3. All prior Ordinance or parts inconsistent with any provisions of this Ordinance are hereby repealed.

Section 4: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2006 by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

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\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006,  
at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

This document prepared by: Thomas D. Perkins, Assistant City Attorney for the City of Carmel.

# BOUNDARY STAKE SURVEY

ROLLING MEADOWS ADDITION

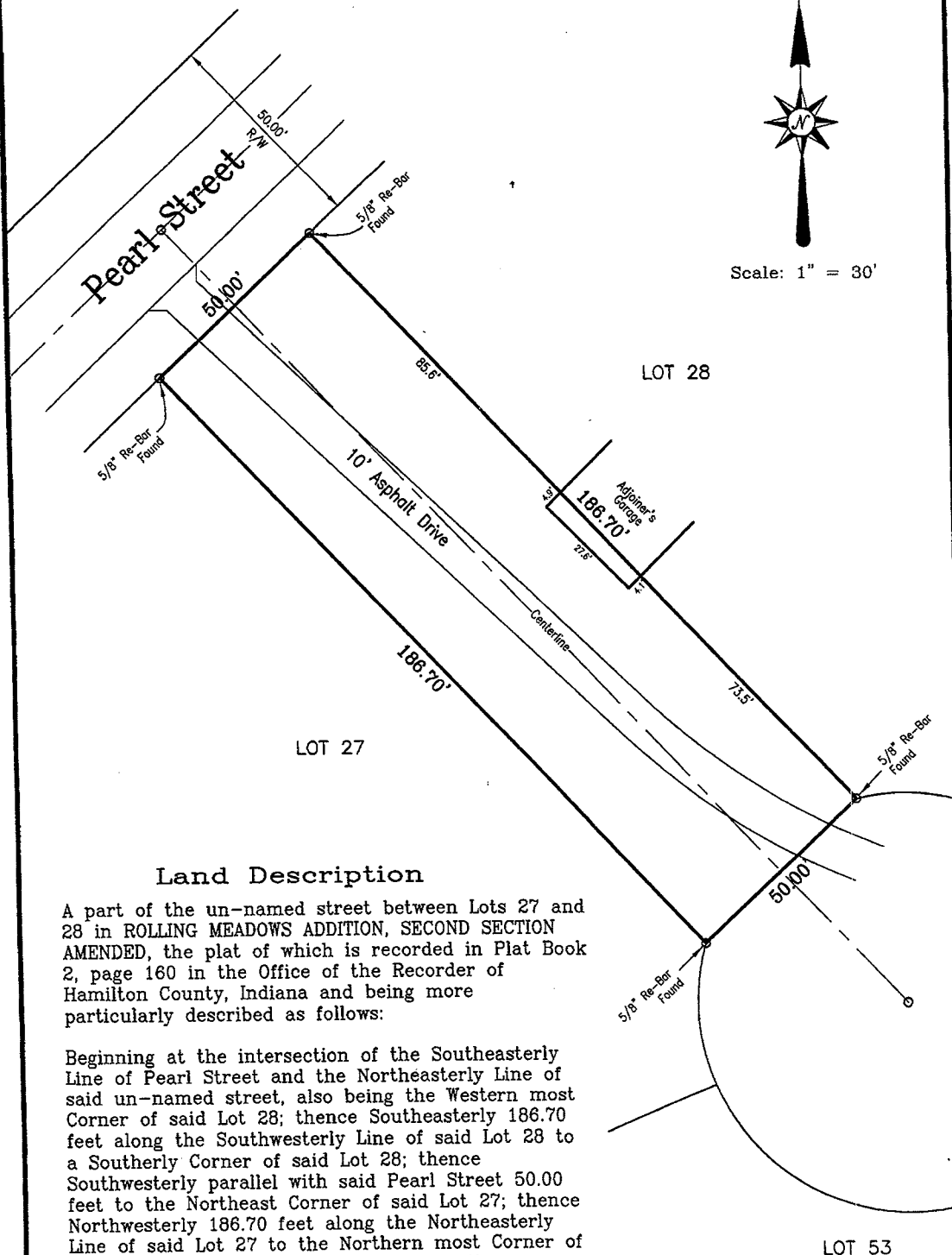
SECOND SECTION AMENDED

0.214 Acres ±

167 Pearl Street, Carmel, IN



Scale: 1" = 30'



## Land Description

A part of the un-named street between Lots 27 and 28 in ROLLING MEADOWS ADDITION, SECOND SECTION AMENDED, the plat of which is recorded in Plat Book 2, page 160 in the Office of the Recorder of Hamilton County, Indiana and being more particularly described as follows:

Beginning at the intersection of the Southeasterly Line of Pearl Street and the Northeasterly Line of said un-named street, also being the Western most Corner of said Lot 28; thence Southeasterly 186.70 feet along the Southwestery Line of said Lot 28 to a Southerly Corner of said Lot 28; thence Southwestery parallel with said Pearl Street 50.00 feet to the Northeast Corner of said Lot 27; thence Northwestery 186.70 feet along the Northeasterly Line of said Lot 27 to the Northern most Corner of said Lot 27; thence Northeasterly along the Southeasterly Line of said Pearl Street extended, 50.00 feet to the point of beginning.

Prepared By:  
**POLARIS LAND SURVEYING**  
10130 East 96th Street  
Fishers, Indiana 46038  
(317) 849-4877 fax (317) 849-4926

## Certificate of Survey

I, Robert D. Peterson, duly licensed Land Surveyor in accordance with the laws of the State of Indiana do hereby certify that to the best of my professional knowledge, information and belief, the within plat represents a survey made under my supervision on July 28<sup>th</sup>, 2005 on the following described tract:

A part of the un-named street between Lots 27 and 28 in ROLLING MEADOWS ADDITION, SECOND SECTION AMENDED, the plat of which is recorded in Plat Book 2, page 160 in the Office of the Recorder of Hamilton County, Indiana and being more particularly described as follows:

Beginning at the intersection of the Southeasterly Line of Pearl Street and the Northeasterly Line of said un-named street, also being the Western most Corner of said Lot 28; thence Southeasterly 186.70 feet along the Southwesterly Line of said Lot 28 to a Southerly Corner of said Lot 28; thence Southwesterly parallel with said Pearl Street 50.00 feet to the Northeast Corner of said Lot 27; thence Northwesterly 186.70 feet along the Northeasterly Line of said Lot 27 to the Northern most Corner of said Lot 27; thence Northeasterly along the Southeasterly Line of said Pearl Street extended, 50.00 feet to the point of beginning.

In accordance with **Title 865, Article 1, Chapter 12 of the Indiana Administrative Code** (Rule 12), the following observation and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in recorded descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("**Theoretical Uncertainty**"). There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines. All survey monuments set or found this survey are flush with the existing grade unless otherwise noted.

**The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a "Class "B" Survey" (0.25 feet) as defined in IAC 865.**


The uncertainty associated with the corners set this survey as related to variances in reference monumentation is 0.04 feet; as related to discrepancies in the record deed is 0.00 feet; and as related to inconsistencies in lines of possession is 4.9'. The Adjoiner's Garage encroaches the Northeasterly Line 4.9 feet.

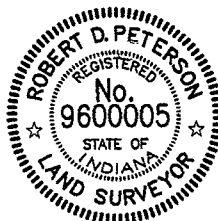
The monumentation used this survey consisted of existing centerline control monuments, and various survey markers found per Record Plat thereof.

All corners of the subject lot were monumented, as shown on the attached plat of survey with a 5/8" rebar and set flush with existing grade, unless otherwise noted.

No investigation or independent search was made for easements of record, encumbrances, restrictive covenants, ownership title evidence, ownership title evidence of the adjoiners or any other facts that an accurate and current title search may disclose.

WITNESS my hand and Registered Land Surveyors Seal this 11th day of August, 2005.

  
Robert D. Peterson  
Registered Land Surveyor  
State of Indiana No. 9600005



Prepared By:  
**POLARIS LAND SURVEYING**  
10130 East 96th Street  
Fishers, Indiana 46038  
(317) 849-4877 Fax (317) 849-4926



**CONSENT TO PETITION TO VACATE RIGHT OF WAY**

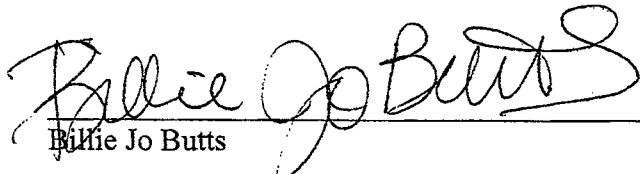
James Michael Butts and Billie Jo Butts, property owners of Lot 28, 163 Pearl Street, in the Rolling Meadows Subdivision, in Carmel, Indiana, do hereby consent to the Petition to Vacate Right of Way being submitted to the Carmel Board of Works on behalf of Joseph S. Nedder and Karen R. Nedder to vacate the right of way in the Rolling Meadows Subdivision with the following legal description:

A part of the un-named street between Lots 27 and 28 in "Rolling Meadows" Addition, Second Section, Amended, the plat of which is recorded in Plat Book 2, page 160, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the intersection of the Southeasterly line of Pearl Street and the Northeasterly line of said un-named street, also being the Western most corner of said Lot 28; thence Southeasterly 186.70 feet along the Southeasterly line of said Lot 28 to a Southerly corner of said Lot 28; thence Southwesterly, parallel with said Pearl Street, 50.00 feet to the Northeast Corner of said Lot 27; thence Northwesterly 186.70 feet along the Northeasterly line of said Lot 27 to the Northern most corner of said Lot 27; thence Northeasterly along the Southeasterly line of said Pearl Street, extended, 50.00 feet to the point of the beginning.

Dated: 17 MAY 05

  
James Michael Butts

  
Billie Jo Butts

**CONSENT TO PETITION TO VACATE RIGHT OF WAY**

Katrina Nelson Thomas, property owner of Lot 27, 171 Pearl Street, in the Rolling Meadows Subdivision, in Carmel, Indiana, does hereby consent to the Petition to Vacate Right of Way being submitted to the Carmel Board of Works on behalf of Joseph S. Nedder and Karen R. Nedder to vacate the right of way in the Rolling Meadows Subdivision with the following legal description:

A part of the un-named street between Lots 27 and 28 in "Rolling Meadows" Addition, Second Section, Amended, the plat of which is recorded in Plat Book 2, page 160, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows:

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Dated:

6/22/2005

Katrina Nelson Thomas  
Katrina Nelson Thomas

"EXHIBIT B 2/2"